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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,605	09/15/2003	Mickey Roemer	10407/634	2363

30076 7590 02/09/2006

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EXAMINER
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PIERCE, WILLIAM M

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/662,605	<b>Applicant(s)</b> ROEMER ET AL. <span style="float: right;">c</span>	
	<b>Examiner</b> William M. Pierce	<b>Art Unit</b> 3711	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-97 is/are pending in the application.
- 4a) Of the above claim(s) 62-97 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-97 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

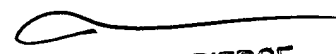
- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

  
**WILLIAM M. PIERCE**  
**PRIMARY EXAMINER**

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### **DETAILED ACTION**

Claims 62-97 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 11/17/05.

Upon reconsideration of the restriction claims 31-61 have been rejoined with group I. This office action contains an action on the merits for claims 1-61.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monte Carlo in view of Kelly 5,882,258.

Claims 1-5, 10-12, 15, 17-19, 28, 29, 31-35, 45, 60 and 61 are well known game of Monte Carlo shows the steps of displaying, selecting and removing. However, Monte Carlo is shown as a private game and does not award a prize. Kelly teaches that it would have been obvious to have awarded a player a prize in a private game like Monte Carlo (col. 1, Ins. 48-67) to play the game in a public place (col. 1, ln. 11) so that the game can be attractive to casinos. The type of indicia of claims 6-9 and claims 37-42 is considered to be an obvious rearrangement of printed matter and matter of choice. More particular to claims 6 and 36, awarding a player a prize associated with the indicia corresponding to the game is considered old and well known. For example, in scratch off tickets a player will win a prize corresponding to the indicia revealed in the game. As to claims 13, 14, 43, 44 touch screen technology is old. As to claims 16 and 46, buttons are shown at 60 of Kelly. As to claims 20-27 and 47-58, it is taught by Kelly that a player is rewarded in a game depending upon their tasks performed towards the games' objective. This is admittedly old by applicant on the top of pg. 2 of his specification. To have rewarded a player for selected tasks in the performance of a game like Monte Carlo would have been obvious as taught by Kelly to reward a player for successful play of the game. Applicant has not shown were the rewards are critical to the play of the game by solving any particular problem or producing any unexpected results. Currently the player receives a reward based upon a

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predetermined task that is deemed rewardable by the game designer. This is nothing new since player can be rewarded for an unlimited number of tasks during the play of a game. Interactive help features as called for by claims 30 and 59 are old to games.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chilese shows solitaire gambling card games in a video formate. Brown, Baerlocher and Tarantino show games.

Any inquiry concerning this communication and its merits should be directed to William Pierce at E-mail address [bill.pierce@USPTO.gov](mailto:bill.pierce@USPTO.gov) or at telephone number (571) 272-4414.

For **official fax** communications to be officially entered in the application the fax number is (703) 872-9306.

For **informal fax** communications the fax number is (703) 308-7769.

Any inquiry of a general nature or relating to the **status** of this application or proceeding can also be directed to the receptionist whose telephone number is (703) 308-1148.

Any inquiry concerning the **drawings** should be directed to the Drafting Division whose telephone number is (703) 305-8335.



WILLIAM M. PIERCE  
PRIMARY EXAMINER